

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SETH JONES, A MINOR, BY NEXT)
FRIENDS NORMAN JONES, JR.)
AND LAURIE JONES, AND)
NORMAN JONES, JR. AND)
LAURIE JONES, INDIVIDUALLY,)

)
Plaintiffs,)

v.)

Civil Action File No.

)
STEVE M. COVINGTON, M.D.;)
QUEST DIAGNOSTICS; QUEST)
DIAGNOSTICS CLINICAL)
LABORATORIES, INC.; ABC)
PATHOLOGY GROUP; AND)
JOHN DOE,)

)
Defendants.)

NOTICE OF REMOVAL

TO: The Judges of the United States District Court for the Northern
District of Georgia, Atlanta Division.

TO: The above-named Plaintiffs and their counsel of record.

The Defendants, Steve M. Covington, MD, Quest Diagnostics, and Quest
Diagnostics Clinical Laboratories, Inc. respectfully show the Court the following:

1.

A civil action has been brought against the Defendants in the State Court of
DeKalb County, State of Georgia, by the above-named Plaintiffs, said action being

designated as Civil Action No. 15A54257-7 in which the Plaintiffs, based upon the allegations in his Complaint, appears to be seeking from the Defendants an amount in excess of \$75,000.00.

2.

Plaintiffs are now, were at the commencement of this suit and at all times since, a citizens and residents of the State of Georgia.

3.

Defendant Steve M. Covington, M.D. is now, was at the time of the commencement of this suit, and at all times since, a resident of the State of Washington.

4.

Defendant “Quest Diagnostics” is not a proper party and, as such, must be dismissed.

5.

Defendant Quest Diagnostics Clinical Laboratory, Inc. is a Delaware corporation with its principal place of business in the State of New Jersey at the time of the commencement of this suit, now, and at all times since.

6.

Defendants ABC Pathology Group and John Doe are fictional defendants.

7.

Defendants attach hereto copies of all of the pleadings on file in the State Court of Fulton County, Georgia marked as follows:

Exhibit A: Complaint

Exhibit B: Affidavit of Daryl Oble, M.D. and Curriculum Vitae

Exhibit C: Answer of Defendants and Jury Demand

Exhibit D: Plaintiffs First Interrogatories to Defendant Steve M. Covington, M.D.

Exhibit E: Plaintiffs First Requests for Production to Defendant Steve M. Covington, M.D.

Exhibit F: Plaintiffs' First Continuing Interrogatories to Quest Diagnostics

Exhibit G: Plaintiffs' First Requests for Production to Quest Diagnostics

Exhibit H: Plaintiffs' First Continuing Interrogatories to Quest Diagnostics Clinical Laboratories, Inc.

Exhibit I: Plaintiffs' First Requests for Production to Quest Diagnostics Clinical Laboratories, Inc.

Exhibit J: Notice of Deposition of Steve M. Covington, MD

Exhibit K: Certificate of Service and Notice of Filing Original Discovery

8.

Now within thirty (30) days after service of the Summons and Complaint, the Defendants file this Notice of Removal of said action to this Court.

9.

This action is removable by reason of diversity of citizenship of the parties, there appearing to be being more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, the above-named Defendants file this their Notice of Removal of said cause to this Court.

This 10th day of February, 2015.

CARLOCK, COPELAND & STAIR, LLP

By: s/ Wayne D. McGrew, III
WAYNE D. MCGREW, III
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CERTIFICATE OF FONT SIZE

Counsel certifies that this pleading has been prepared in Times New Roman font in 14 point type.

s/ Wayne D. McGrew, III
WAYNE D. MCGREW, III
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this Notice of Removal on all parties listed below by electronically filing a copy of same with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record and by depositing a true copy of same in the U.S. Mail, proper postage prepaid, addressed to counsel of record as follows:

W. Carl Reynolds
Bradley J. Survant
Reynolds, Horne & Survant
P.O. Box 26610
Macon, Georgia 31221-6610

This 10th day of February, 2015.

s/ Wayne D. McGrew, III
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